

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Comfort Rooms Rezone from R-1 to PUD**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request for a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 0.37± acres, located on the northeast corner of the intersection of Church Street and Elder Road, and approve the attached Preliminary Master Plan and Development Order, based on staff's findings, and authorize the Chairman to execute the aforementioned documents; (Stephen Ferrando, applicant); or
2. Deny the request for a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 0.37± acres, located on the northeast corner of the intersection of Church Street and Elder Road, and authorize the Chairman to execute the Denial Development Order; (Stephen Ferrando, applicant); or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

BACKGROUND:

The applicant, Stephen Ferrando is requesting a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) in order to develop an office/warehouse building. The proposed use of the building would be for the Comfort Rooms of Florida business which builds glass rooms, sunrooms, and vinyl and acrylic rooms. The Future Land Use designation on the subject property is High Intensity Planned Development – Target Industry (HIP-TI), which allows the requested zoning district.

The proposed Preliminary Master Plan indicates that the project will contain a total of 3,900 square feet of Office/Warehouse space. Office uses are limited to 1,625 square feet and the warehouse uses are limited to 2,275 square feet. The applicant is proposing uses from the C-3 (General Commercial & Wholesale) and M-1A (Very Light Industrial) zoning districts. These uses are included in the attached Approval Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on April 2, 2008 and voted 5 to 1 to recommend approval of the request for a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 0.37± acres, located on the northeast corner of the intersection of Church Street and Elder Road, and recommended approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 0.37± acres, located on the northeast corner of the intersection of Church Street and Elder Road, and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Preliminary Master Plan
6. Development Order
7. Ordinance
8. Denial Development Order
9. LPA P and Z Meeting Minutes

Additionally Reviewed By:

☒ County Attorney Review (David Shields)

Comfort Rooms Rezone from R-1 to PUD		
APPLICANT	Stephen Ferrando	
PROPERTY OWNER	Comfort Rooms of Florida, Inc.	
REQUEST	Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development).	
PROPERTY SIZE	0.37 ± acres	
HEARING DATE (S)	P&Z: April 2, 2008	BCC: May 27, 2008
PARCEL ID	16-19-30-5AC-0000-047A, 21-19-30-504-0000-0080	
LOCATION	Located on the northeast corner of the intersection of Church Street and Elder Road.	
FUTURE LAND USE	High Intensity Planned Development – Target Industry (HIP-TI)	
ZONING	R-1 (Single-Family Residential)	
FILE NUMBER	Z2007-83	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant is proposing a 3,900 square foot office/warehouse building.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Stephen Ferrando is requesting a rezone in order to develop a 17,568 square foot office/warehouse complex. The Future Land Use designation of the subject property is High Intensity Planned Development – Target Industry (HIP-TI), which allows for the requested PUD zoning district. The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Residential) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (PUD)
Minimum Lot Size	8,400 sq. ft.	N/A
Minimum House Size	700 sq. ft.	N/A
Minimum Width at Building Line	70 feet	N/A
Front Yard Setback	25 feet	10 feet
Side Yard Setback	7.5 feet	10 feet
(Street) Side Yard Setback	25 feet	10 feet
Rear Yard Setback	30 feet	N/A
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception
R-1 (existing)	<p>Within any R-1, R-1B and R-1BB Single-Family Dwelling zoning classification, no building, structure, land, or water shall be used, except for the following uses:</p> <p>(a) Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses.</p> <p>(b) Home occupations and home offices.</p> <p>(c) Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p> <p>(d) One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.</p>	<p>Any special exception permitted in the R-1A zoning classification, day nurseries or kindergartens, guest or tourist homes when located on state or federal highways, off-street parking facilities, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, Communication towers.</p>
PUD (proposed)	<p>All permitted uses in the C-3 zoning district which are listed as follows;</p> <p>Any use permitted in the C-2 District excluding public or private elementary schools, middle schools, and high schools, bakeries, bottling and distribution plants, cold storage and frozen foodlockers, contractors' equipment-storage yards, feed stores, greenhouses – wholesale, industrial trade schools, laundry and dry-cleaning plants, lithography and publishing plants, lumber yards, machinery sales and storage, mechanical garages, bus, cab and truck repair, and storage, paint and body shops, plumbing shops, trade shops, such as, upholstery, metal, cabinet, warehouses, wholesale meat and produce distribution with meat cutting, but not butchering, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, Office showroom, Manufacturing of the following: garments, photographic equipment and supplies, bakery products, boats, ceramics, pottery, using electrically fired kilns, chemical products and processing, dairy products, electrical machinery and equipment, furniture, glass and glass products, using electrically fired kilns, pharmaceutical products, shoes and leather goods, except no leather processing, brooms and brushes, candy and confectionery products, cosmetics and toiletries, except soap, candles, jewelry, optical equipment, perfume, precision instruments and machinery, plastic products, except pyroxylin, silverware, spices and spice packing, stationery, toys, electronic equipment and assembling, beverage bottling and distribution, cold storage and frozen-food lockers, data proceeding services, laundry and dry cleaning, except only nonflammable solvents shall be used. (Class IV National Fire Protective Association Code.), Living quarters for guards, custodians, and caretakers when such facilities are accessory uses to the primary use of the premises, machine shops using only electrically fired forges, assembling of metal, plastic, or cardboard containers, post offices, printing, bookbinding, lithographic platemaking, engraving, and publishing plants, general business and professional offices, radio and television studios and offices, restaurants, signs, identification, directional, or which advertise products manufactured, processed, stored, or sold on the premises, technical and trade schools, testing of materials, equipment, and products, truck terminals, warehouses and storage buildings, providing no storage is done outside an enclosed structure, manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints, medical clinics - out-patient service only, public and private utility plants, stations and distribution office; provided, however, no sewer plant shall be located closer than two hundred (200) feet to the perimeter of the district nor shall any other utility plant, station, or distribution office be located closer than one hundred (100) feet to the perimeter of the district, cabinetry and woodworking shops, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, retail sales if ancillary to a use permitted by this section. For purposes of this subsection, "ancillary" shall mean supplementary, or secondary, not of primary importance.</p>	<p>Heliports and airports, recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests, public and private elementary schools, middle schools, and high schools, communication towers when lattice or guyed in design, communication towers when monopole in design if the tower is one hundred forty (140) feet or over in height, living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee, public utility structures, service stations and gas pumps as an accessory use, hospitals and nursing homes, public and private schools, communication towers when lattice or guyed in design, communication towers when monopole in design if the tower is over one hundred forty (140) feet in height, parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer, flea markets.</p>

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of Church Street and Elder Road consists of a mixture of single-family homes, vacant land, and industrial type uses. For the past several years the trend of development in the area is the conversion of larger vacant tracts of land into 5 acre or larger industrial parks due to its proximity to Interstate 4 and the Orlando Metropolitan Area. The other approved PUD/PCD's in the area which reflect these trends are the Monroe Commerce Center North, Monroe Commerce Center South, and Vantage Point. The previously stated PCD developments have all allowed similar uses (M-1A & C-3) to the proposed Comfort Rooms PUD.

The subject property is surrounded by the High Intensity Planned Development – Target Industry and Industrial Future Land Uses. The surrounding zoning district comprise of the M-1A, R-1, and PCD zoning districts. To the north are single-family homes, to the east is the Monroe Commerce Center North PCD, to the south is the Monroe Commerce Center PCD, and to the west is a retention pond owned by the Florida Department of Transportation.

Staff believes this PUD meets the intent of the High Intensity Planned Development – Target Industry Future Land Use. This project will be providing jobs in the manufacturing and sales arena which is similar to the other business and industrial parks in the immediate area. Due to the size of this site it will have minimal impact compared to the larger industrial parks mentioned above which range in size from 5, 10, and 14 acre sites. Staff finds the requested rezone is compatible with the surrounding uses and existing development patterns of the area.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be no floodplains on the subject property.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to hold the 25 year/24 hour pre/post difference.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an application for Full Concurrency Review. Concurrency Management has determined that water and sewer facility capacity is available for the proposed property subject to execution of a Utility Agreement and payment of fees. Concurrency Management further determined that sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

Utilities:

The site is located in the Northwest Seminole County Water and Sewer utility service area, and will be required to connect to public utilities. There is a 10-inch water main on the north side of Church Street and a 4-inch force main on the south side of Church Street. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, may be required until reclaimed water becomes available.

Transportation / Traffic:

The property proposes access onto Church Street, which is classified as a local road. Church Street is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

Buffers and Sidewalks:

The proposed development will be required to construct a sidewalk along Church Street. The applicant is also providing a pedestrian connection from the proposed sidewalk to the entrance of the building.

The following proposed buffers are contained in the attached Development Order:

West:	10'
South:	10'
North:	10'
East:	5'

Parking and Buffer areas shall be landscaped in accordance with the provisions of the Section 30.1230, "Landscaping of Parking Areas" of the Seminole County Land Development Code. The required number of plantings in the proposed buffers shall consist of a screen of landscaping, composed of natural and/or man-made materials, arranged or planted in the designated landscape buffer in order that a height of at least three feet shall be attained within one year after planting and shall screen a minimum of seventy five percent of the parking areas to that height. The required number of trees will consist of four canopy trees for every one hundred linear feet.

The applicant is requesting a waiver from the Active/Passive Buffer Setback Design Standards along the north property line. The adjacent property has the R-1 (Single-Family Residential) zoning district, which requires the application of the Active/Passive standards per Section 30.1232 of the Land Development Code. However, the adjacent property has the HIP-TI Land Use rendering the R-1 zoning non-conforming to the existing Land Use. If the R-1 property was to be developed in the future to anything other than the R-1 zoning district standards it would need to comply with the HIP-TI Land Use which only allows for commercial, office, multi-family, or industrial uses. The requirements for an Active property line are a 25-foot landscape buffer and a 100-foot building setback. Although the adjacent property has a residential zoning district, it is surrounded on three sides by industrial type development. The applicant is requesting a 10-foot side setback and a 10-foot landscape buffer in lieu of the Active Setback and Buffer along that property line. Without the relaxation of the active building setback of 100 feet a building could not be constructed on site due to the 123-foot lot depth. Staff finds the requested buffer and setback acceptable due to the similar buffers imposed on the other PCD's in the area and the size of the subject property.

APPLICABLE POLICIES:

Fiscal Impact Analysis

This project does not warrant the running of the County Fiscal Impact Analysis Model.

Special Districts

The subject property is located within any special districts.

Comprehensive Plan (Vision 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU	2.11:Determination of Compatibility in PUD and PCD Zoning Classifications
Policy POT	4.5: Potable Water Connection
Policy PUB	2.1: Public Safety Level-of-Service
Policy SAN	4.4: Sanitary Sewer Connection

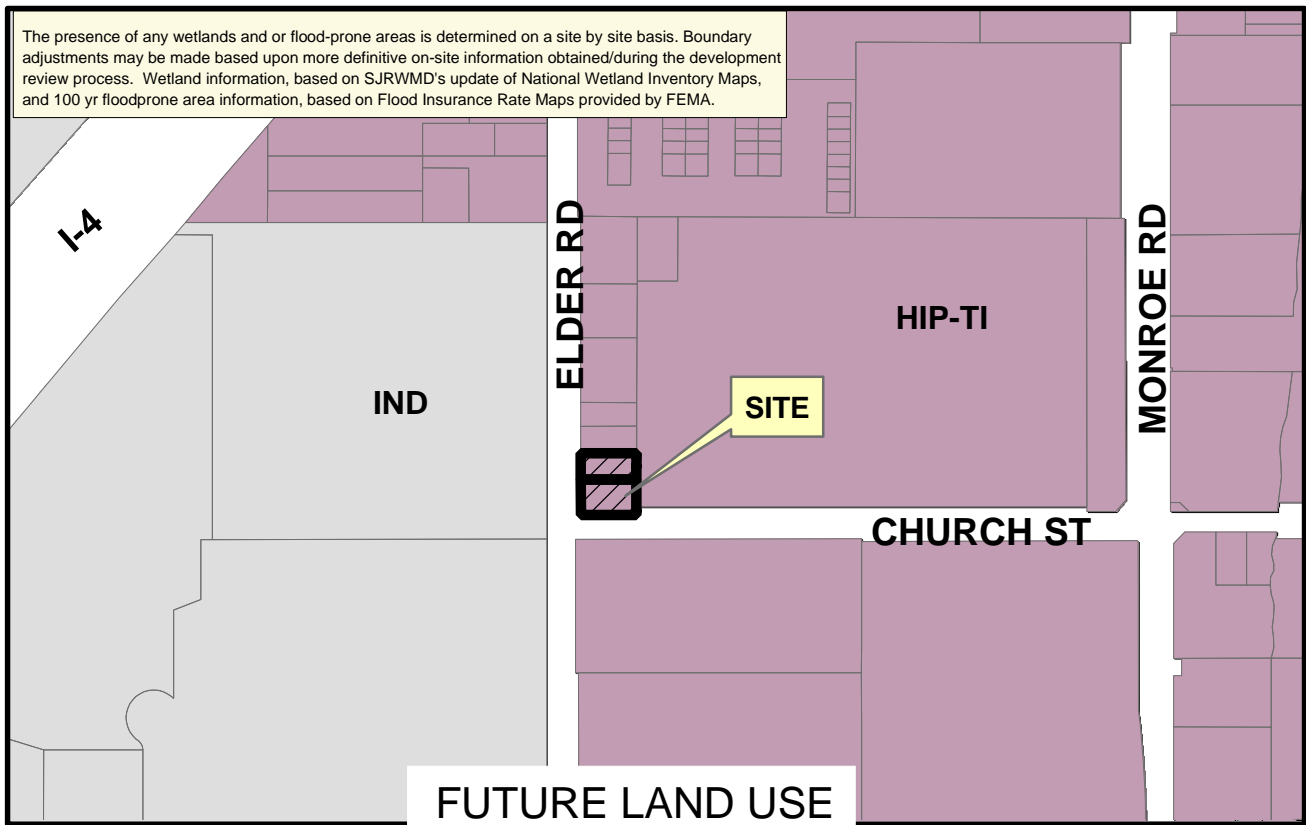
INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not required due to this property not being located near or adjacent to any municipality.

LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received letters of support or opposition.

The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



HIPTI
 IND
 PD
 Site
 CONS
 Municipality

Applicant: Stephen Ferrando

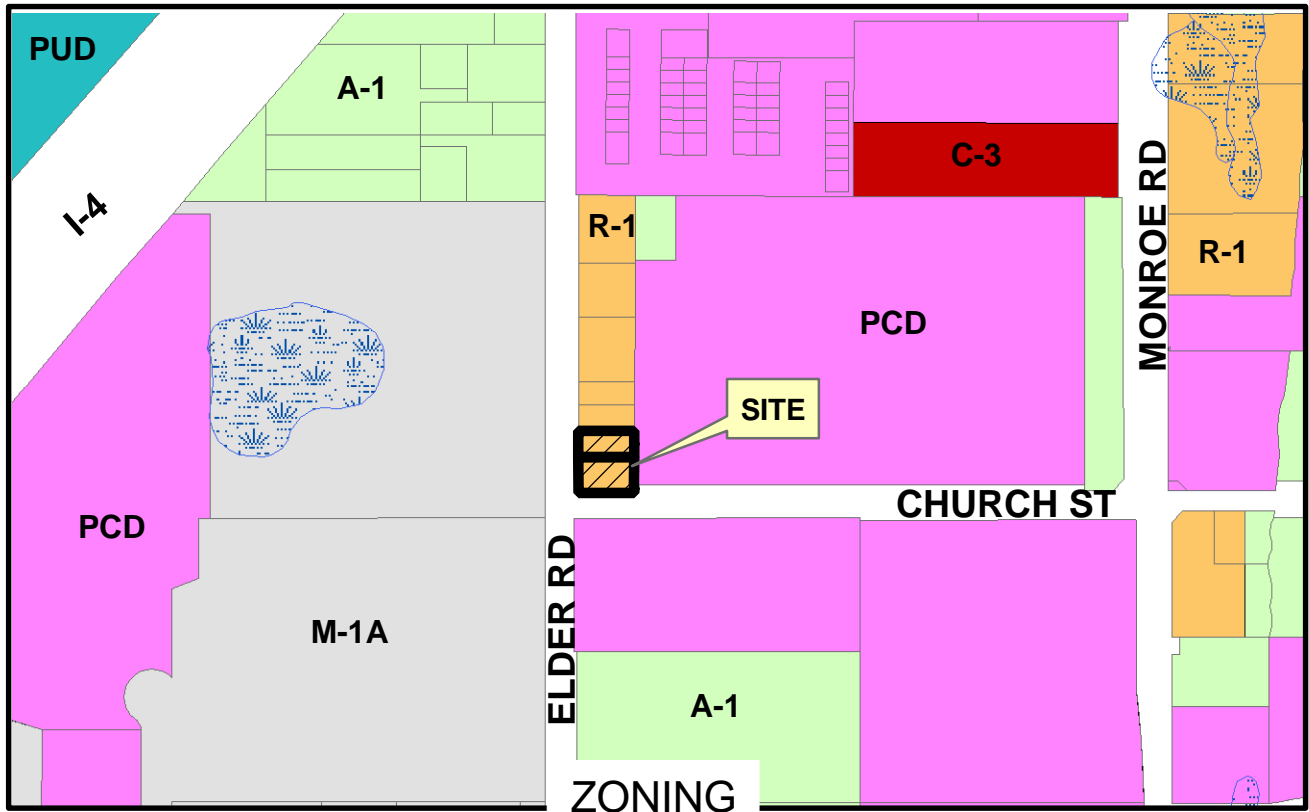
Physical STR: 16 & 21-19-30

Gross Acres: .37 +/- BCC District: 5

Existing Use: vacant residential

Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-083	R-1	PUD



A-1
 R-1
 C-3
 M-1A
 FP-1
 W-1

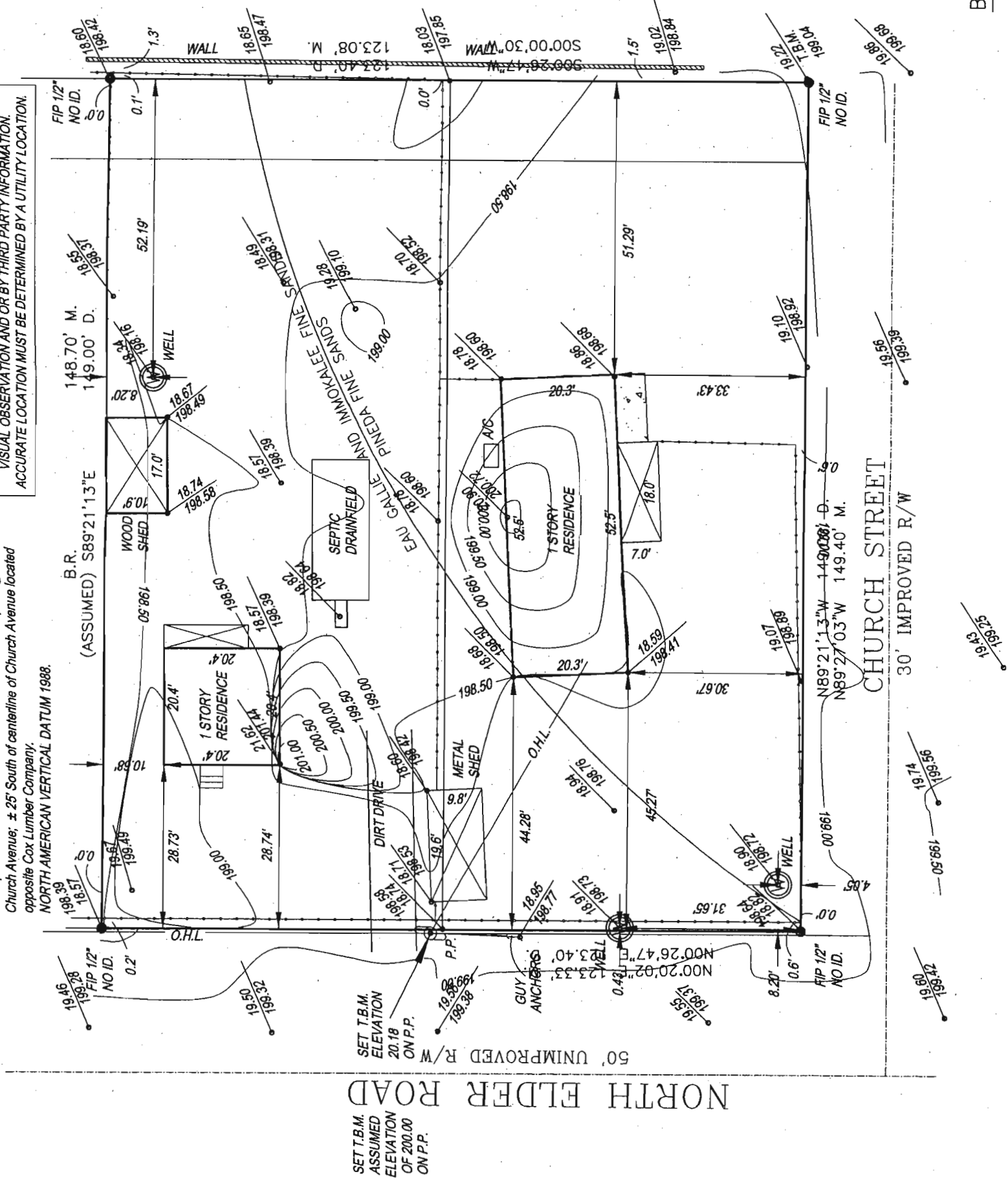


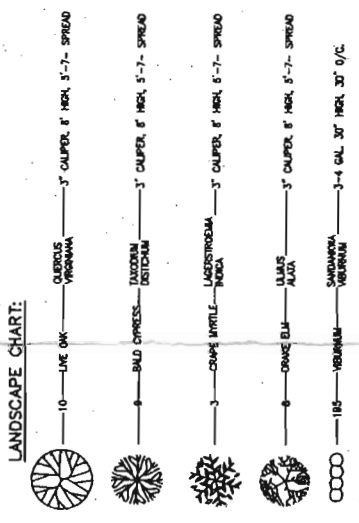
Rezone No: Z2007-083
From: R-1 To: PUD





☐ Parcel
☒ Subject Property



Winter 2006 Color Aerials





OPEN SPACE.	
REQUIRED OPEN SPACE: 15,406 S.F. X 25% = 3,852 S.F.	
PROVIDED OPEN SPACE: 6,272 S.F.	
	PENETRATION LANDSCAPE BUFFER = 4,146 S.F. (0.085 AC)
	BUILDING LANDSCAPE AREA = 360 S.F. (0.009 AC)
	NON-VOLUCULAR OPEN SPACE = 1,108 S.F. (0.025 AC)
	INTERNAL LANDSCAPE AREA = 837 S.F. (0.019 AC)
	6,272 S.F. (0.144 AC)
INTERNAL LANDSCAPE AREA:	
REQUIRED INTERNAL LANDSCAPE AREA 0.1 X 5,970 S.F. = 597 S.F.	
PROVIDED INTERNAL LANDSCAPE AREA	= 837 S.F.

PERMITTED SITE USES:

ALL PERMITTED USES AS INDICATED IN THE ZONABLE COUNTY ZONING REGULATIONS C-3 DISTRICT AND M-A DISTRICT.

PROHIBITED SITE USES:

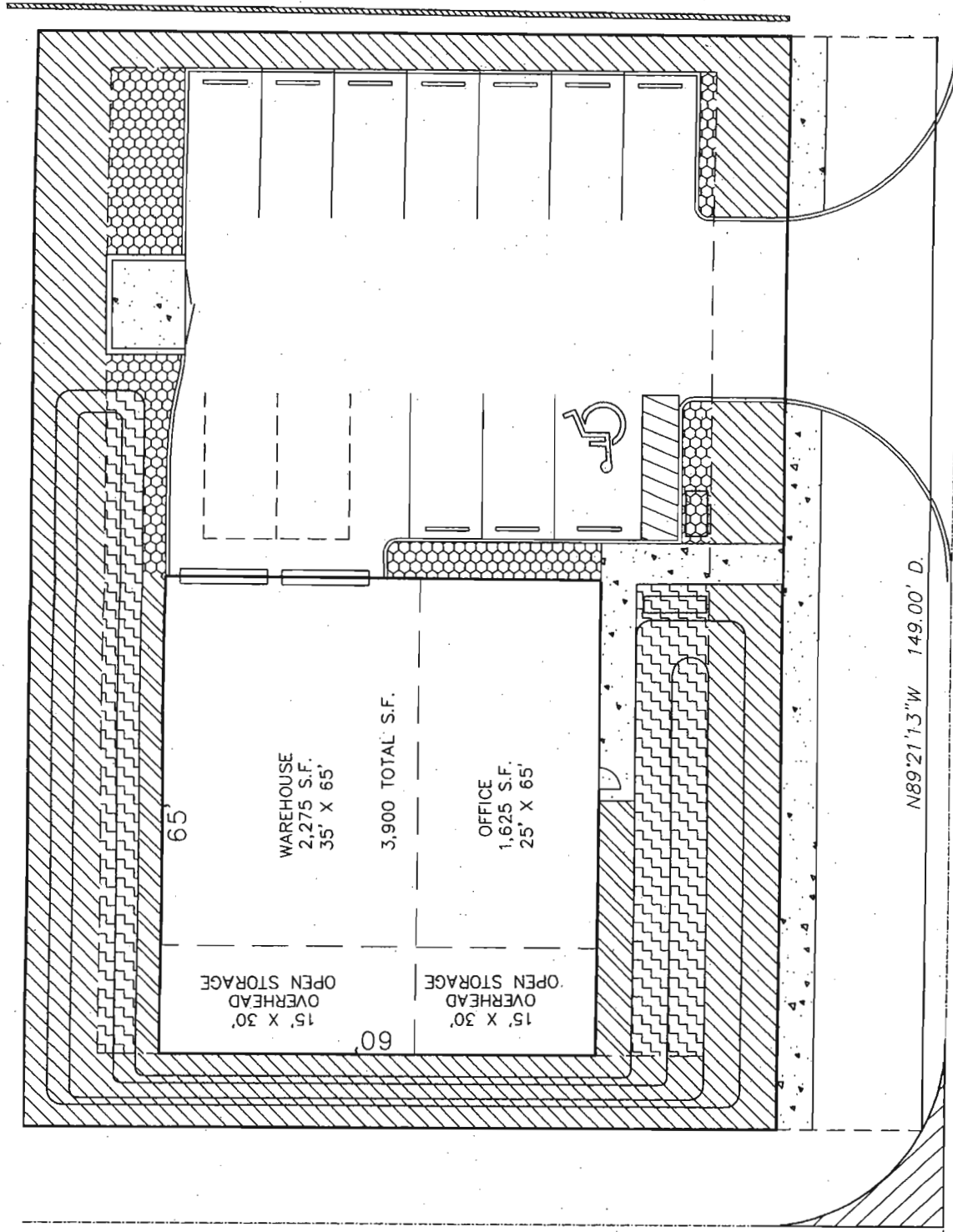
1. AMUSEMENT AND RECREATION FACILITIES.
2. AUTOMOBILE SALES.
3. BARRICADES, WHERE GOODS ARE SOLD ON PREMISES AT RETAIL.
4. BASKETBALL COURTS.
5. CAR WASH.
6. HOTELS AND MOTELS.
7. CAR WASH.
8. LAUNDRIES AND LAUNDROMATS.
9. HOME HOMES AND RECREATIONAL VEHICLE SALES.
10. PAINT AND BODY SHOP.

11. PRIVATE CLUBS AND LOUNGES.
12. THEATERS.
13. NIGHT CLUBS.
14. SERVICE STATIONS.
15. OUTDOOR ADVERTISING SIGNS.
16. MANUFACTURING OF WATER-BASED AND/OR EXOTIC-BASED COINTINGS, ADHESIVES, SEALANTS, AND PAINTS.
17. INDUSTRIAL, TECHNICAL, AND TRADE SCHOOLS, EXCEPT FOR CLASSROOM TRAINING PURPOSES ONLY. ALL OTHER TYPES OF SCHOOLS LOCATED WITHIN THE PROHIBITION ZONE SUCH AS JAZZ DANCE.
18. ALCOHOLIC BEVERAGE ESTABLISHMENTS.

CHANGES IN USES THAT AFFECT THE MIN. PARADIGMS REQUIREMENTS MAY REQUIRE ADDITIONAL PHASING OR AN AMENDMENT TO THIS PUD.

19. ADULT ENTERTAINMENT AND SEXUALLY ORIENTED BUSINESSES.
20. MULTI-FAMILY HOUSING.
21. PUBLIC AND PRIVATE UTILITY PLANTS, STORAGE, AND DISTRIBUTION OFFICES.
22. COMMERCIAL MECHANICAL REPAIR GARAGES OR STORAGE OF VEHICLES FOR COMMERCIAL REPAIR, EXCEPT THOSE STANDARD VEHICLE MAINTENANCE MAY BE PERFORMED ON VEHICLES ASSOCIATED WITH AN EXISTING BUSINESS WITHIN THE PROHIBITION ZONE.
23. HEMP DEVELOPMENT ETC.
24. MEDICAL CLINICS.
25. MANUFACTURING OF THE FOLLOWING:
 - A. FOODS.
 - B. DRUGS.
 - C. CHEMICAL PRODUCTS AND PROCESSING.
 - D. DAIRY PRODUCTS.

NORTH ELDER ROAD
50' UNIMPROVED R/W



CHURCH STREET
30' IMPROVED R/W

OPEN SPACE:
REQUIRED OPEN SPACE: 15,408 S.F. X 25% = 3,852 S.F.
PROVIDED OPEN SPACE: 8,272 S.F.

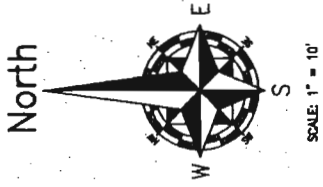
PERIMETER LANDSCAPE BUFFER = 4,148 S.F. (0.095 AC)

BUILDING LANDSCAPE AREA = 380 S.F. (0.009 AC)

NON-VEHICULAR OPEN SPACE = 1,108 S.F. (0.025 AC)

INTERNAL LANDSCAPE AREA = 837 S.F. (0.019 AC)

INTERNAL LANDSCAPE AREA:
REQUIRED INTERNAL LANDSCAPE AREA 0.1 X 5,370 S.F. = 537 S.F.
PROVIDED INTERNAL LANDSCAPE AREA = 837 S.F.



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 20, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Comfort Rooms of FLA, Inc.
647 Progress Way
Sanford, FL 32771

Project Name: Comfort Rooms PUD

Requested Development Approval:

Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:
Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The allowable permitted uses for this site shall be in accordance with the C-3 (General Commercial & Wholesale) and the M-1A (Very Light Industrial) zoning district. Prohibited uses shall include the following which are listed below:
 - Amusement and recreation facilities
 - Automobile sales
 - Bakeries
 - Banks
 - Car wash
 - Hotel and Motel
 - Laundromats
 - Mobile homes
 - recreational vehicle sales
 - Paint and Body shops
 - Privates clubs and lodges
 - Theaters
 - Truck terminals
 - Service stations
 - Outdoor advertising signs
 - Manufacturing of water-based epoxy-based coatings, adhesives, sealants and paints
 - Industrial, Technical, and Trade schools
 - Alcoholic beverage establishments
 - Adult entertainment and sexually oriented business
 - Multi-family Housing
 - Public and private utility plants, stations, and distribution offices
 - Pubic and private schools
 - Commercial, mechanical repair garages or storage of Vehicles for commercial repair
 - Heliports
 - Medical Clinics

- Manufacturing of boats, chemical products, and processing of dairy products
- c. Maximum allowable building height shall be 35 feet.
- d. Building setbacks shall be as follows;

Front (Church Street):	25'
Front (Elder Road):	10'
Sides (North & East):	10'
- e. Buffer yards shall be as follows;

West and South:	10'
North:	5'
East:	10'
- f. Open space amenities shall include a pedestrian bench and bicycle rack as depicted on the Preliminary Master Plan attached as Exhibit B.
- g. Air-Conditioning units shall be located on the south side of the building and screened from Church Street.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Brenda Carey
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Comfort Rooms of FLA, Inc., Stephen Ferrando, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Stephen Ferrando

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Comfort Rooms of FLA, Inc., Stephen Ferrando who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Legal Description

LOT 8, LEWIS HERALD HOMESITES, PLAT BOOK 12, PAGE 38, SEMINOLE COUNTY, FLORIDA

AND

THE SOUTH 63.1 FEET OF THE EAST 149 FEET OF THE WEST 174 FEET OF LOT 47 FLORIDA LAND & COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, SEMINOLE COUNTY, FLORIDA.

EXHIBIT B

Preliminary Master Plan

(See Attached Pages)

PRELIMINARY MASTER PLAN FOR: **COMFORT ROOMS OF FLORIDA, INC.**

PROJECT DIRECTORY

OWNER:
COMFORT ROOMS OF FLORIDA, INC.
647 PROGRESS WAY
SAFORD, FLORIDA 32771
SAFORD, FLORIDA 32771
PHONE (407) 302-4033
FAX (407) 302-4031

ENGINEER:
AMERICAN CIVIL ENGINEERING CO.
207 N. MOSS ROAD, SUITE 211
WINTER SPRINGS, FLORIDA 32708
CONTACT PERSON: JUSTIN GABER, PROJECT MAN.
PHONE (407) 302-4033
FAX (407) 302-4031

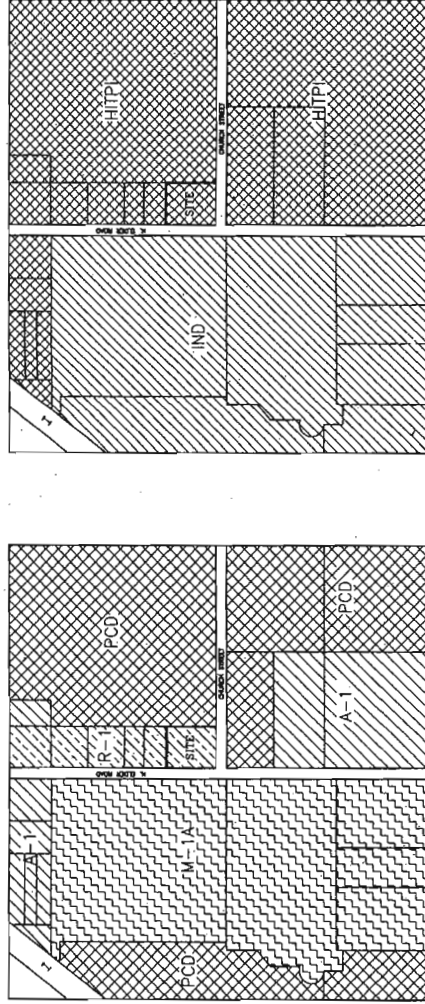
SURVEYOR:
SWERLOFF & LONG SURVEYING, INC.
365 WAYMONT CT., STE. 109
DAKE, FLORIDA 32748
PHONE (407) 688-7881
FAX (407) 688-7881

PLANS ISSUED FOR: DATE
COUNTY SUBMITTAL #2 FEB. 12, 2008
COUNTY SUBMITTAL #3 MAR. 7, 2008

INDEX OF SHEETS

SHEET	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS
3	MASTER SITE PLAN
4	PRELIMINARY UTILITY PLAN
5	OPEN SPACE PLAN

**AMERICAN CIVIL
ENGINEERING CO.**
207 N. MOSS ROAD, SUITE 211 WINTER SPRINGS, FLORIDA 32708
CL. No. 6728 P.E. (407) 302-4033 FAX (407) 302-4031



ZONING MAP
PROPOSED WITH 50' N.T.S.

FUTURE LAND USE MAP
PROPOSED WITH 50' N.T.S.

SECTION 16, TOWNSHIP 19 S, RANGE 30 E
SECTION 21, TOWNSHIP 19 S, RANGE 30 E

SEMINOLE COUNTY, FLORIDA

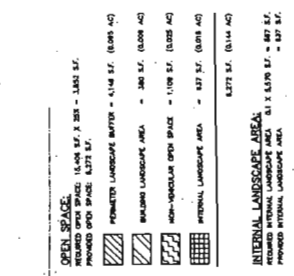
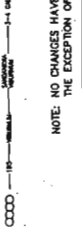
PARCEL I.D. #'S
16-19-30-5AC-0000-047A
21-19-30-504-0000-0080

PLANS PREPARED FOR:
COMFORT ROOMS OF FLORIDA, INC.

LEGAL DESCRIPTION:
S 631.1 FT OF E 149 FT OF W 174 FT OF LOT 47 ST JOSEPHS
PB 1, PG 114 & 21-19-30-504-0000-0080 LOT 8
LEWIS HERALD HOMESITES PB 12 PG 38

UTILITY PROVIDERS

SANITARY SEWER: SEMINOLE COUNTY
WATER DISTRIBUTION: SEMINOLE COUNTY
ELECTRICAL POWER: PROGRESS ENERGY
TELEPHONE: BELL SOUTH
FIRE/POLICE: SEMINOLE COUNTY
GARBAGE: PRIVATE COLLECTION



CHURCH STREET
30' IMPROVED R/W

PERMITTED SITE USES:

PROHIBITED SITE USES:

12. BLACK PANTHERS
13. BLACK PANTHERS
14. BLACK PANTHERS
15. BLACK PANTHERS
16. BLACK PANTHERS
17. BLACK PANTHERS
18. BLACK PANTHERS

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PROVIDED BY

INTERNATIONAL LANDSCAPE ARCHITECTURE

2

1997

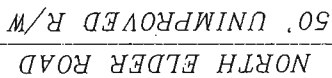
THE EXCEPTION

LIST OF THOSE

3. **TECHNICALS ARE OFF**

COUNTY.

1000



DATE	JOHN J. WENDELL, JR. P.L. STATE OF ALABAMA BIRMINGHAM	STAMP 4 of 5
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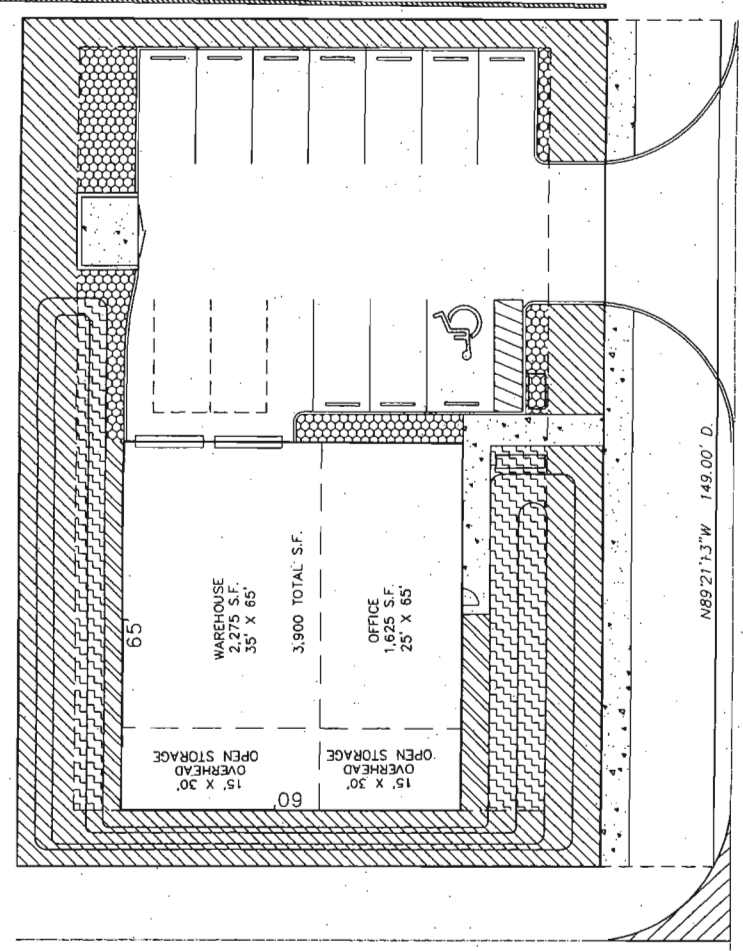
NOTE: NO CHANGES HAVE BEEN MADE TO THE SITE PLAN WITH THE EXCEPTION OF THOSE LISTED BY SEMINOLE COUNTY.

DATE	10/1/01
PROJECT NO.	01-001
CLIENT	SEMINOLE COUNTY, FLORIDA
DESIGNER	AMERICAN CIVIL ENGINEERING CO.
ENGINEER	JOHN A. BROWN, P.E.
ARCHITECT	JOHN A. BROWN, P.E.
LANDSCAPE ARCHITECT	JOHN A. BROWN, P.E.
MECHANICAL ENGINEER	JOHN A. BROWN, P.E.
ELECTRICAL ENGINEER	JOHN A. BROWN, P.E.
CIVIL ENGINEER	JOHN A. BROWN, P.E.
PLUMBING ENGINEER	JOHN A. BROWN, P.E.
HEATING ENGINEER	JOHN A. BROWN, P.E.
COLD AIR ENGINEER	JOHN A. BROWN, P.E.
WATER ENGINEER	JOHN A. BROWN, P.E.
SEWER ENGINEER	JOHN A. BROWN, P.E.
STORM ENGINEER	JOHN A. BROWN, P.E.
TRAFFIC ENGINEER	JOHN A. BROWN, P.E.
ENVIRONMENTAL ENGINEER	JOHN A. BROWN, P.E.
GEOTECHNICAL ENGINEER	JOHN A. BROWN, P.E.
STRUCTURAL ENGINEER	JOHN A. BROWN, P.E.
FOUNDATION ENGINEER	JOHN A. BROWN, P.E.
ROOF ENGINEER	JOHN A. BROWN, P.E.
CLIMATE ENGINEER	JOHN A. BROWN, P.E.
ACOUSTIC ENGINEER	JOHN A. BROWN, P.E.
ENERGY ENGINEER	JOHN A. BROWN, P.E.
ENVIRONMENTAL ENGINEER	JOHN A. BROWN, P.E.
GEOTECHNICAL ENGINEER	JOHN A. BROWN, P.E.
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ENERGY ENGINEER	JOHN A. BROWN, P.E.

AMERICAN CIVIL ENGINEERING CO.
 1017 N. 10TH ST., SUITE 100, TAMPA, FL 33604
 (813) 241-1111 FAX (813) 241-1112
 JOHN A. BROWN, P.E. LICENSE NO. 10000

PRELIMINARY MASTER PLAN-OPEN SPACE PLAN
COMFORT ROOMS OF FLORIDA, INC.
 SEMINOLE COUNTY, FLORIDA

DATE: 10/1/01
 SHEET NO. 5 OF 5



OPEN SPACE

REQUIRED OPEN SPACE: 15,400 S.F. X 300' = 4,620,000 S.F.
 PROVIDED OPEN SPACE: 4,375 S.F.

INTERNAL LANDSCAPE AREA

REQUIRED INTERNAL LANDSCAPE AREA: 91 X 3,375 S.F. = 307,875 S.F.
 PROVIDED INTERNAL LANDSCAPE AREA: 427 S.F.

PERIMETER LANDSCAPE BUFFER = 4,114 S.F. (0.004 AC)

INTERNAL LANDSCAPE AREA = 306 S.F. (0.007 AC)

NON-RECREATIONAL OPEN SPACE = 1,000 S.F. (0.023 AC)

INTERNAL LANDSCAPE AREA = 427 S.F. (0.010 AC)

INTERNAL LANDSCAPE AREA = 4,375 S.F. (0.101 AC)

NOTE: NO CHANGES HAVE BEEN MADE TO THE SITE PLAN WITH THE EXCEPTION OF THOSE LISTED BY SEMINOLE COUNTY.

ORDINANCE NO.

**SEMINOLE COUNTY, FLORIDA
Z2007-83**

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 (SINGLE-FAMILY RESIDENTIAL) THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Comfort Rooms Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-1 (Single-Family Residential) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Department and recording of Development Order 07-20500008.

ENACTED this 20th day of May 2008.

BOARD OF COUNTY COMMISSIONERS

By: _____
Brenda Carey
Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 8, LEWIS HERALD HOMESITES, PLAT BOOK 12, PAGE 38, SEMINOLE
COUNTY, FLORIDA

AND

THE SOUTH 63.1 FEET OF THE EAST 149 FEET OF THE WEST 174 FEET
OF LOT 47 FLORIDA LAND & COLONIZATION COMPANY LIMITED W.
BEARDALL'S MAP OF ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, SEMINOLE
COUNTY, FLORIDA.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 20, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: Comfort Rooms of FLA, Inc.
647 Progress Way
Sanford, FL 32771

Project Name: Comfort Rooms

Requested Development Approval:

Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Comfort Rooms Rezone" and all evidence submitted at the public hearing on May 20, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Brenda Carey
Chairman

EXHIBIT A

Legal Description

LOT 8, LEWIS HERALD HOMESITES, PLAT BOOK 12, PAGE 38, SEMINOLE COUNTY, FLORIDA

AND

THE SOUTH 63.1 FEET OF THE EAST 149 FEET OF THE WEST 174 FEET OF LOT 47 FLORIDA LAND & COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, SEMINOLE COUNTY, FLORIDA.

**MINUTES OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

WEDNESDAY, APRIL 2, 2008

Members present: Matthew Brown, Ben Tucker, Dudley Bates, Walt Eismann, Rob Wolf, and Kim Day.

Member absent: Melanie Chase

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; David Shields, Assistant County Attorney; Ian Sikonia, Senior Planner; Alan Willis, Planner; Austin Watkins, Senior Planner; Larry Poliner, Development Review Manager; Candace Lindlaw-Hudson, Clerk to the Commission.

C. Comfort Rooms PUD; Comfort Rooms of Florida , Inc. / Stephen Ferrando, applicant: 0.37± acres; Rezone from R-1 (Single-Family Dwelling) to PUD (Planned Unit Development); located on the northeast corner of the intersection of Church Street and Elder Road. (Z2007-83)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Mr. Sikonia said that this rezone was being requested in order to develop an office/warehouse building. The proposed building would be used by Comfort Rooms, a manufacturer of glass rooms, sunrooms, and other structures. The Future Land Use designation on the subject property is High Intensity Planned Development – Target Industry, which allows the requested zoning district.

Mr. Sikonia stated that the proposed Preliminary Master Plan indicates that the project will contain a total of 3,900 square feet of office/warehouse space. Office uses are limited to 1,625 square feet and the warehouse uses are limited to 2,275 square feet. The applicant is proposing uses from the C-3 (General Commercial and Wholesale) and the M-1A (Very Light Industrial) districts. These uses are included in the development order.

The area of Church Street and Elder Road consists of a mixture of single-family homes, vacant land, and industrial type uses. For the past several years the trend of development in the area is the conversion of larger vacant tracts of land into 5-acre or larger industrial parks due to its proximity to Interstate 4 and the Orlando metropolitan area. The other approved PUD/PCDs in the area which reflect these trends are the Monroe Commerce Center North, Monroe Commerce Center South, and Vantage Point. The previously stated PCD developments have all allowed similar uses (M-1A and C-3) to the proposed Comfort Rooms PUD.

Mr. Sikonia said that Staff believes this PUD meets the intent of the High Intensity Planned Development – Target Industry Future Land Use. The project will be providing employment in manufacturing and sales, which is similar to the other business and industrial parks in the immediate area. Due to the size of this site it will have minimal impact compared to the larger industrial parks mentioned above which range in size from 5, 10, and 14 acres.

Staff finds this request is compatible with the surrounding use and development patterns of the area. Staff recommendation is for approval of the requested Rezone from R-1 (Single-Family Dwelling) to PUD (Planned Unit Development).

Commissioner Tucker inquired about the status of the paving on Elder Road.

Larry Poliner stated that Elder Road is being paved up to that point. It is currently being paved.

Commissioner Tucker said that in the past the County has discouraged access to Elder Road due to the lack of paving. A “right-in, left-out” should be possible. This could be putting industrial traffic onto an unpaved road.

Commissioner Brown noted that this is a small site. People will want to go down Church Street to get on the newly upgraded Upsala Road.

The applicant was present, but did not make a presentation at this time.

No one spoke from the audience on this application.

Commissioner Wolf made a motion to recommend approval of the request.

Commissioner Eismann seconded the motion.

Commissioner Tucker said that he was opposed due to the potential of having traffic on an unpaved road. He is not opposed to the zoning.

Commissioner Brown asked about the number of trips to be generated by this project.

Commissioner Wolf asked if the residents of Elder Road had previously been made a promise about traffic.

Commissioner Tucker said there had been.

Commissioner Wolf withdrew his motion at this time.

Commissioner Eismann made a motion to recommend approval.

Commissioner Bates seconded the motion.

Commissioner Eismann noted that this is an industrial street; people will not want to go down a dirt road.

Commissioner Tucker said that this is an infill project and that the people of the area should be protected.

Ian Sikonia said that the project will generate 33 average daily trips.

Commissioner Brown said that a single-family residence use generates 9 trips daily. Professional truck drivers will use Church Street.

Stephen Ferrando said that his company already has the business in the commerce park right next to this property. Deliveries use the paved part of Elder and the other paved roads. Truckers in 18-wheelers want paved roads. He indicated that the site was designed to use Church Street. No one will go down the dirt road. He knows that is the pattern there now.

The vote was 5 – 1 in favor of the motion. Commissioner Tucker voted “no.”